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10/764,510	01/27/2004	Myoung-soon Choi	Q78873	9955
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EXAMINER NGUYEN, CAM LINH T				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/764,510

Applicant(s)

CHOI, MYOUNG-SOON

Examiner

CAM-LINH NGUYEN

Art Unit

2161

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-16 and 18-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-16, 18-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Office Action is response to amendment filed on 09/30/2008.
2. Claims 1 – 2, 4 – 16, 18 - 40 are currently pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 2, 4 – 16, 18 - 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mercer et al (U.S. 7,043,477 B2) in view of Sean Jensen-Grey (U.S. 6,941,300 B2).

♦ As per claims 1, 15

Mercer discloses a method of managing a media file database (DB), the method is performed by a media file DB managing system, the method comprising:

- “Automatically creating file directories based on metadata of the media files”
corresponds to the directory that the user creates (col. 7, line 67, Fig. 2A, col. 5, lines 40 – 48 of Mercer). The metadata corresponds to the metadata that the system obtains from the media file (See col. 7, lines 1 – 2, Fig. 5, col. 7, lines 58 – col. 8, lines 2 of Mercer).
“Automatically creating” (See Col. 2, lines 11 – 12, 27 – 29). In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958), the court held that broadly providing an automatic

or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.

- “Displaying a tree structure of the created file directories” See Fig. 2A, fig. 6, Fig. 7. Mercer teaches that in one example “the menu/playlist structure is displayed as a scrolling tree-view with check boxes next to each menu or playlist item” (col. 10, line 48 – 49). Therefore, Mercer clearly teaches the claim invention “a tree structure”.
- “And creating link files for the media files in the file directories” corresponds to the pointer that links to another location (See col. 5, lines 15 – 16, col. 6, lines 43 – 50, col. 7, lines 8 – 10, col. 19, lines 35 – 40 of Mercer).
- “Executing a media file management program” corresponds to process that the user activates the program to edit or playback the media (Fig. 7 or 13). The media file management program corresponds to the software program in the Mercer system that creates the directory (col. 6, lines 60 – 63, col. 4, lines 39 – 42 of Mercer).
- “Reading and navigating the created file directories using the media file management program” See Fig. 7, the title, col. 5, lines 45 – 48 of Mercer.

Mercer discloses a method for creating the directory from the user input. Mercer teaches that “the user can experience the content that is embodied on the medium 110” (col. 4, lines 39 – 47); “user may specify the ...media files...directory name” (col. 7, lines 28 – 30); and “the authorizing software analyzes all the media files that the user has selected to write to the medium to construct playlists” (col. 7, lines 58 – 60). Clearly the “searching for media file” is inherent in Mercer.

In the event that “Searching for media files” is not inherit from Mercer, the “searching for media file” is a well-known process. Jensen-Gray provides an example. Jensen-Gray teaches a method/system for seeding a search system for searching for multimedia and streaming media (See the abstract). In particular, Jensen-Gray teaches “The spider utilizes predetermined algorithms to continuously search for media files on the web pages” [col. 5, lines 52 – 52 of Jensen-Gray].

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Jensen-Gray into the invention of Mercer since both invention was available at the time, and the combination would reduce the time and labor for the user in creating the directory by using input from different sources.

♦ As per claim 2,

Mercer discloses a method of managing a media file database (DB), the method is performed by a media file DB managing system, the method comprising:

- “Automatically creating file directories based on metadata of the media files”
corresponds to the directory that the user creates (col. 7, line 67, Fig. 2A, col. 5, lines 40 – 48 of Mercer). The metadata corresponds to the metadata that the system obtains from the media file (See col. 7, lines 1 – 2, Fig. 5, col. 7, lines 58 – col. 8, lines 2 of Mercer).
“Automatically creating” (See Col. 2, lines 11 – 12, 27 – 29). In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958), the court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.

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- “Displaying a tree structure of the created file directories” See Fig. 2A, fig. 6, Fig. 7.
Mercer teaches that in one example “the menu/playlist structure is displayed as a scrolling tree-view with check boxes next to each menu or playlist item” (col. 10, line48 – 49). Therefore, Mercer clearly teaches the claim invention “a tree structure”.
- “And copying the media files to the file directories as copied media files” corresponds to the step of the user copies media files to the removable computer readable medium 110 (see col. 5, lines 64 – 67).
- “Executing a media file management program” corresponds to process that the user activates the program to edit or playback the media (Fig. 7 or 13). The media file management program corresponds to the software program in the Mercer system that creates the directory (col. 6, lines 60 – 63, col. 4, lines 39 – 42 of Mercer).
- “Reading and navigating the created file directories using the media file management program” corresponds to the step of the user playback the media file or to adjust the hierarchical structure (See Fig. 7, or col. 10 , lines 43 – 52, col. 20, lines 7 - 41 of Mercer).

Mercer discloses a method for creating the directory from the user input. Mercer teaches that “the user can experience the content that is embodied on the medium 110” (col. 4, lines 39 – 47); “user may specify the ...media files...directory name” (col. 7, lines 28 - 30); and “the authorizing software analyzes all the media files that the user has selected to write to the medium to construct playlists” (col. 7, lines 58 – 60). Clearly the “searching for media file” is inherent in Mercer.

In the event that “Searching for media files” is not inherited from Mercer, the “searching for media file” is a well-known process. Jensen-Gray provides an example. Jensen-Gray teaches a method/system for seeding a search system for searching for multimedia and streaming media (See the abstract). In particular, Jensen-Gray teaches “The spider utilizes predetermined algorithms to continuously search for media files on the web pages” [col. 5, lines 52 – 52 of Jensen-Gray].

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Jensen-Gray into the invention of Mercer since both invention was available at the time, and the combination would reduce the time and labor for the user in creating the directory by using input from different sources.

♦ As per claims 4 - 5, 18 – 19, the combination of Mercer and Jensen-Gray disclose:

- “Wherein in the searching for the media files further comprises setting a search range for the media files and searching for the media files within the set search range” See Fig. 7, wherein the user can set the search range such as songs by artist, by album or by genre.

♦ As per claims 6, 20, the combination of Mercer and Jensen-Gray disclose:

- “Wherein in the creating the file directories, the file directories are created based on criteria set by a user and metadata corresponding to the criteria” See Fig. 2A, col. 5, lines 40 – 62, Fig. 5, col. 7, lines 58 – 67 of Mercer.

♦ As per claims 7, 21, the combination of Mercer and Jensen-Gray disclose:

- “Wherein the creating the file directories comprises editing a configuration of the file directories according to a selection of the user” See col. 10, lines 43 – 65 of Mercer.

♦ As per claims 8, 22, the combination of Mercer and Jensen-Gray disclose:

- “Wherein in the creating the file directories, a file directory is created according to criteria set by a user and subdirectories are created by automatically classifying metadata corresponding to the criteria” See col. 8, lines 41 – col.10, lines 40 wherein the user can create a directory according to criteria set by the user.
- ♦ As per claims 9 - 10, 12 – 13, 23 – 24, the combination of Mercer and Jensen-Gray disclose:
 - “Further comprising automatically updating the link files after repeating at regular intervals of time, the searching for the media files, the creating file directories, and the creating the link files” the system must update the information since the metadata is parsed whenever the media file is inputted to the system. If the file has changed the location the metadata must indicate it and the link will be updated.
- ♦ As per claims 11, 14, 25 - 26, the combination of Mercer and Jensen-Gray disclose:
 - “Wherein the searching for the media files comprises searching for media files stored in a first storage medium, the creating the file directories comprises creating a file directory in a second storage medium, and the creating link files comprises creating the link files for the media files in the second storage medium” See col. 5, lines 15 – 16, col. 6, lines 43 – 50, col. 7, lines 8 – 10, col. 19, lines 35 - 40 of Mercer.
- ♦ As per claims 15 - 16, the combination of Mercer and Jensen-Gray disclose:

With similar limitations as in claim 1 further claims 15 - 16 comprising:

 - “ A search means” (Fig.1 and 10 of Mercer).
 - “ A first storage means for storing the media files and metadata of the media files” corresponds to the memory in computer 102, Fig. 1, element 110, Fig. 10, element 134 of Mercer.

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- “A control means” corresponds to the processing unit in Fig. 10 of Mercer.
- “A creation means” and “a copy means” corresponds to the processing unit in Fig. 10, col. 18, lines 1 - 11 of Mercer.
- “A display means” Fig. 10, element 180, 182, col. 18, lines 12 – 27 of Mercer.

♦ As per claims 27 – 28, 37 – 40, the combination of Mercer and Jensen-Gray disclose:

Mercer does not clearly disclose using the windows explorer in the invention. However, Jensen-Gray, teaches that the user can use Internet Explorer to browse the program (See col. 5, lines 11 – 15 of Jensen-Gray). It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Jensen-Gray into the invention of Mercer since both invention was available at the time, and the combination would provide the user more convenience in browsing the files using different programs.

♦ As per claims 29 - 36, the combination of Mercer and Jensen-Gray disclose:

- “The file directories are created by level of the tree structure according to user selection”
See Fig. 2A, fig. 6, Fig. 7. Mercer teaches that in one example “the menu/playlist structure is displayed as a scrolling tree-view with check boxes next to each menu or playlist item” (col. 10, line48 – 49). Therefore, Mercer clearly teaches the claim invention “a tree structure”. Fig. 7 is an interface allowing the user to edit the directory. Therefore, the user can choose the level of the tree structure to edit the media.

Response to Arguments

5. Applicant's arguments filed 09/30/2008 have been fully considered but they are not persuasive.

♦Applicant argues that the Mercer fail to disclose managing a media file database. The Examiner respectfully disagrees.

Referring to the abstract of Mercer, Mercer teaches a method , system for storing and manipulating the media files, which is same as "managing a media file database" as claimed in the claim invention. The database in the claim invention is used to store media files. The CD or DVD in the Mercer reference is also used to stored media files. Therefore, the CD or DVD in Mercer is considered same as database in the claim invention.

♦Applicant argues that the Mercer fail to disclose "media files are searched". The Examiner respectfully disagrees.

Applicant's argument is unpersuasive because it attempts to show nonobviousness by attacking Mercer alone and nonobviousness cannot be established by attacking references individually. Where the rejection is based upon the teaching of a combination of references, as it is here, each reference must be read, not in isolation, but for what it fairly teaches in combination with the prior art as a whole. See *In re Merck & Co.*, 800 F.2d 1091, 231 USPO 375 (Fed. Cir. 1986). As set forth in the June 30, 2008 Non-Final Office Action, the rejection of claims 1 – 2, 4 – 16, 18 - 40 was made under 35 U.S.C. §103(a) as being unpatentable over the combination of Mercer *et al.* and Sean Jensen-Grey; not Mercer *et al.* alone. Applicant fails to recognize the combination of the two systems that the Examiner provided. Specifically, the Examiner does not use the Mercer reference to teach the "media files are searched". In stead, the Examiner used Sean Jensen-Grey reference for this teaching.

♦Applicant argues that the Mercer fail to disclose software which is used to create playlists, read or navigates created file directories. The Examiner respectfully disagrees.

First, the user can adjust the structure of the media file using the authorizing software (col. 10, lines 43 – 54).

Then the user could “navigates the media files to select and render desired content on the consumer electronic device” (col. 20, lines 7 – 41). Clearly, Mercer does disclose software that allows the user to read or navigates created file directories as claimed.

♦Applicant argues that the Mercer fails to disclose “searching for the media files comprises setting a search range for the media files”. The Examiner respectfully disagrees.

As discussed above, Mercer teaches that “the user can experience the content that is embodied on the medium 110” (col. 4, lines 39 – 47); “user may specify the ...media files...directory name” (col. 7, lines 28 - 30); and “the authorizing software analyzes all the media files that the user has selected to write to the medium to construct playlists” (col. 7, lines 58 – 60). Clearly the “searching for media file” is inherent in Mercer. Further, in Fig. 7, wherein the user can set the search range such as songs by artist, by album or by genre.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CAM-LINH NGUYEN whose telephone number is (571) 272 - 4024. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272 - 4080. The fax phone number for the organization where this application or proceeding is assigned is 571 - 273 - 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/CamLinh Nguyen/
Primary Examiner, Art Unit 2161